



CITY OF ABSECON  
Municipal Complex  
500 Mill Road  
Absecon, New Jersey 08201

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**MAY 7, 2009  
WORK & REGULAR MEETING  
MINUTES**

**FLAG SALUTE** – Councilman Norris

**INVOCATION** –Chaplain Pam Werner, Atlanticare Regional Medical Center, Mainland Division

**ROLL CALL:** Marczyk, Green, Norris, Falivene, Vizthum, Gorman, Caterson

**Also Present:** Mayor Peter Elco; City Solicitor, Mike Blee; City Administrator, Terry Dolan; CFO, Jessica Thompson & Carie Crone, City Clerk and Eddie Dennis, City Engineer

**PRESIDENT’S STATEMENT ON THE SUNSHINE LAW** – Lynn

**NOTIFICATION THAT THIS MEETING IS ELECTRONICALLY RECORDED** – Lynn

**PROCLAMATION – National Police Week 2009** – Mayor read the proclamation and standing with him were: Chief Joe Cowan and Officers Gleason, Imberti and Ketchek representing the police dept.

**Chief Cowan** – thanked everyone for the recognition tonight and stated some facts for the public

**PUBLIC PORTION**

Motion to open to public – Councilman Norris – second – Councilman Green

All were in favor. No public comment.

Motion to close public – Councilman Norris – second – Councilwoman Green

All were in favor.

**WORK MEETING**

**ORDINANCES AND RESOLUTIONS LISTED BELOW ARE FOR DISCUSSION AND MAY BE ACTED UPON AT THE REGULAR MEETING OF CITY COUNCIL.**

**2009 ORDINANCES**

**Lynn** – explained the reasoning for the need for these two ordinances.

**Terry** – both are pursuant to Federal Storm Water Act. He believes the State is saying we must do this. I then asked Public Works committee to look into it.

**Fred** – the committee discussed it and at this time, we are in favor of Ord. 5 but not Ord. 6.

**Lynn** – she understands Ord. 6, the retrofitting of the inlets would be on private properties and at the resident's expense. Is that correct?

**Terry** – yes, that's right. If we have to replace an inlet as a result of paving the street, then we have to retrofit it. We have been doing that already. You all know the procedure as to what we can do.

**Jerry** – He doesn't like Ord. 6 and he believes we should move to regular meeting, take a vote and pass it back to the State and send our message back to them. Who will be affected and the monetary affects and the homeowner or business owner? We need to stop burdening people.

**Fred** – agrees with what Jerry said.

**Mayor** – we have had similar discussion in past years and he understands what you're saying, but he is seeing Section 6 and the penalties. He then read it.

**Fred** – if we don't pass it, they can't enforce it.

**Joe** – doesn't disagree with Fred or Jerry but his concerns are the potential implications and what we could be dealing with.

**Mike** – explained a little of what he believes could happen.

**Terry** – sees no problem with me going back to the state and telling them we couldn't pass it so what happens now. If I get a response back, I will bring it back to you.

**05** Requiring dumpsters and other refuse containers to be covered. **MOVED TO REGULAR**

**06** Requiring the retrofitting of existing storm drain inlets. **MOVED TO REGULAR**

## **2009 RESOLUTIONS**

**92** Authorizing Remington, Vernick & Walberg, City Engineers, to administer the design, construction and inspection of improvements to New Jersey Avenue. **HELD OVER**

**93** Authorization for an application for New Jersey Department of Transportation funding.

**94** Authorizing the City of Absecon to advertise for bids for the 2009 Road Improvement Program, including Shady Lane and New Jersey Avenue.

**95** Authorizing the sale of personal property not needed for Public use under N.J.S.A. 40A: 11-36.

**96** Allowing the Woodland Village Association's Annual Community Yard Sale.

**97** Permitting a Charitable Organization to solicit funds, namely the Charles A. Hammell Post #28 American Legion.

**98** Granting a Raffle License to the Irish American Cultural Society of South Jersey Inc.

**99** Granting a Raffle License to the City of Absecon Education Foundation.

**100** Amending Resolution 18-2009, adopting the Cash Management Plan.

**101** Authorizing the need to advertise for a part time Fire Inspector.

**102** Approving a settlement in the matter of John Paff vs City of Absecon.

**103** Appointing a part time boat ramp monitor, namely James Smith.

**Mayor** – explained that he was the person in charge last year and he did a good job for the city. There was a big difference in that area.

### **REGULAR MEETING**

**03** An Ordinance of the City of Absecon, to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank (N.J.S.A. 40A-45.14)

Motion for second reading – Councilman Norris – second – Councilman Green

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Gorman, yes; Caterson, yes

Motion to open to public – Councilman Norris – second – Councilman Green

No public comment

Motion to close – Councilman Norris – second – Councilman Green

All were in favor.

Motion for final reading and adoption – Councilman Norris – second – Councilman Green

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Gorman, yes; Caterson, yes

**04** An Ordinance to vacate a portion of Reed Road, within the City of Absecon, County of Atlantic. Needs second and final reading

### **HELD OVER UNTIL DOT INVESTIGATES FURTHER**

**05** Requiring dumpsters and other refuse containers to be covered.

Motion for introduction – Councilman Green – second – Councilwoman Gorman

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Gorman, yes; Caterson, yes

**06** Requiring the retrofitting of existing storm drain inlets.

**Lynn motioned for introduction. No motion was made.**

### **Consent Agenda**

**All matters listed under item, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be discussed separately.**

### **Resolutions #93-103 made up the consent agenda.**

Motion to move Consent Agenda – Councilman Green – second – Councilman Vizthum

Roll Call: Marczyk, yes; Green, yes, but abstain for 101; Norris, yes; Falivene, yes; Vizthum, yes; Gorman, yes; Caterson, yes

## **APPROVAL OF BILL LIST- \$1,374,619.07**

Motion to approve: – Councilwoman Green – second – Councilman Norris

Roll Call: Marczyk, yes; Green, yes; Norris, yes; Falivene, yes; Vizthum, yes; Gorman, yes; Caterson, yes

## **REPORTS**

**Mayor** – no report

**Joe** – no report

**Fred** – had a meeting Monday and the NJ Ave. project will be advertised on May 15<sup>th</sup> and bid openings will be 5/29 and award contract 6/4 and pre-construction meeting on 6/16. It will cover from Michigan Ave. west to Route 30. Also discussed the road project and it's dates for moving along. Thanked everyone who helped out with the NJ Ave. project. He can't wait to see it happen. Glad to see Ord. 5 on introduction tonight.

**Charlie** – welcomed Fred back; thanked Council for hiring Mr. Smith back; he did an excellent job last year. Pete Higbee is doing an excellent job running the Parks and Playgrounds meetings.

**Jerry** – had a Public Safety meeting and we have a couple retirements; Doris Lowenstein, crossing guard and Officer Tom Gorham next Wednesday. Fire Dept. is applying for a grant to replace ladder truck. We were rejected for a grant for refitting it because we wanted to do that; they want people to buy new rather than put money into an old truck. The only obligation to the city would be 5%, which would be a blessing. Our National Night Out is scheduled for Aug. 4.

**Jim** – we met today and discussed the downtown area – the plan was to go with a 24-inch brick paver border along the curb down to the clock tower. We might get more grants that would allow us to do more.

**Terry** – got a call today that we've been awarded a grant for about \$75,000 to supplement the \$275,000 that we got for the "safe streets to transit". We might be able to get as far as Mechanic St. with the decorative block. There is a second grant that we are applying for also.

**Bobbie** – acknowledged Bob Battista for doing a great job on clean up day 4/26; thanked Charlie and all the clubs involved and people who helped as well. Announced upcoming events in the area. Supports Jim Smith, the boat ramp monitor and glad to see him returning this year.

**Mike** – the case GH v. Galloway was decided today by the Supreme Court and it was decided that Galloway's ordinance be invalid. We passed a similar ordinance and under the reasoning, Mike recommends that we put on next meeting's agenda an ordinance rescinding ours because it's clear that ours would be deemed invalid also under the rationale of that decision. If you feel strongly, I urge you contact the state legislatures. The courts felt that Megan's Law was all encompassing and the city's have no power to address sex offenders.

**Lynn** – We plan on having a public hearing on the budget on 5/21. We also heard that the Library would be allowed to give us \$100,000 back.

**Terry** – asked for everyone's indulgence in that obviously the weather has been bad and the athletic teams have been delayed for days trying to get games in and the Public Works have also been delayed in cutting any grass. Please be patient.

## **PUBLIC PORTION**

Motion to open to public – Councilman Norris – second – Councilman Vizthum

All were in favor. No public comment.

Motion to close – Councilman Norris – second – Councilwoman Gorman

All were in favor.

## **CLOSED SESSION – Res. #104-2009**

**Attorney Mike Blee** – stated the reason as:

1. Under the contract negotiations exception to the Open Public Meetings Act specifically contract negotiations involving the Chief of Police. Those minutes could not be disseminated unless ordered to do so by court order due to ongoing contractual relationship with the chief.

Motion to enter closed session – Councilman Norris – second – Councilwoman Gorman  
All were in favor.

## **ADJOURNMENT**

Motion to adjourn meeting – Councilman Norris – second – Councilman Falivene  
All were in favor.

Respectfully submitted,

Carie A. Crone, Clerk

Approved: \_\_\_\_\_